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**BIANNUAL REPORT**  
**MARCH 15, 2010**

**STATE OF CALIFORNIA**

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## **PREFACE**

Pursuant to Penal Code section 6141, the California Rehabilitation Oversight Board (C-ROB or the board) is mandated to regularly examine and report biannually to the Governor and the Legislature regarding rehabilitative programming provided to inmates and parolees by the California Department of Corrections and Rehabilitation (Corrections).

C-ROB held its first meeting on June 19, 2007.

According to statute, C-ROB must submit reports on March 15 and September 15 to the Governor and the Legislature. These biannual reports must minimally include findings on:

- ✓ Effectiveness of treatment efforts
- ✓ Rehabilitation needs of offenders
- ✓ Gaps in rehabilitation services
- ✓ Levels of offender participation and success

As required by statute, this report uses the findings and recommendations published by the Expert Panel on Adult Offender and Recidivism Reduction Programs. In addition, this report reflects information that Corrections provided during public hearings as well as supplemental materials that it provided directly to C-ROB. The report format was altered to reflect the massive changes adult rehabilitative programming faces as a result of the \$250 million budget cut adult programs received in this current year.

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## **EXECUTIVE SUMMARY**

This is the California Rehabilitation Oversight Board's (C-ROB) sixth biannual report, which examines the progress the California Department of Corrections and Rehabilitation (Corrections) made in implementing and providing rehabilitative programming between July and December 2009. C-ROB's prior biannual reports have examined Corrections' progress in developing an effective treatment model by evaluating Corrections' efforts to implement the Expert Panel's recommendations. This included evaluating the progress to meet the Governor's Rehabilitation Strike Team Report recommendations, which serve as guidelines for implementing the Expert Panel Report, examining Corrections' progress toward implementing the California Logic Model, and tracking Corrections' progress for programming outside of the California Logic Model target population (low risk to reoffend inmates).

The report format differs from past practice as a result of the drastic \$250 million cut to adult programs that Corrections received in the current year. This cut came at a time when Corrections had transitioned from more than two years of intense planning to implementation of the demonstration project at California State Prison, Solano. In effect, this meant Corrections was forced to completely restructure the rehabilitative programming model it created in response to Assembly Bill (AB) 900 in its demonstration phase and before C-ROB could evaluate the model's service delivery and effectiveness.

The question of whether Corrections can realistically provide rehabilitative programming resulting in reduced recidivism after laying off approximately 800 teachers, severely restricting the time spent in class, eliminating many vocational programs, and cutting in-prison substance abuse programming to 90 days has been posed rhetorically many times over the last six months. Based on recent experience Corrections has had in implementing the requirements of AB 900, the enormity of the issues involved with the organization and start up of the new programming models give the Board great pause because of the sheer size and magnitude of the tasks.

Corrections' work during this reporting period has been necessarily focused on revising its education, vocation, and substance abuse programming models to comply with the budget cuts. This concentrated effort resulted in reduced programming over the last six months as Corrections prepares to implement the new program models in May 2010. Throughout this difficult time, Corrections states that it remains committed to evidence-based programming, the California Logic Model, and maximizing program capacity.

This report details the limited progress Corrections made during the reporting period in implementing the California Logic Model, a description of the new programming models, and concerns raised by board members and teachers about the new models. It does not include an analysis of the data in the appendices, which covers the period from April to September 2009. Since Corrections has stopped its pilot implementation of the previous rehabilitative programming model, this data will be used as the baseline for subsequent C-ROB reports. C-ROB will compare this baseline data to the data from the new rehabilitative programming models to assess service delivery.

As a result of the budget cut, Corrections' staff is working through the multiple challenges of providing evidence-based programming, decreasing program duration and options, and

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maximizing the number of inmates with access to programs. Full implementation of the new education models is staggered over the next three months and scheduled for May 2010. Because Corrections lacks a comprehensive data system and the resulting four-month time lag from the end of a reporting period to providing data to C-ROB, the board has requested but realistically expects to receive little data from the new models in time for the next report to be published in September 2010. Practically, this means that C-ROB could go almost one year, from January 2010 to January 2011, before receiving any meaningful data with which to start evaluating the implementation of the new models.

C-ROB acknowledges that Corrections' staff is working toward an interim data solution that aims to reduce the data reporting lag time to one month. This would allow for a timely analysis of the new program elements and their implementation, which is crucial since the reduction in program length may have an impact on outcomes. Corrections' target for interim data availability is May 2010; however, this date is dependent on Corrections' Enterprise Information Services being able to support the solution.

The board cannot provide an analysis of the effectiveness of the previous rehabilitative programming model in comparison to the new model because data is not available. Without data, there is no basis to make a comparison and draw conclusions on the outcomes. At the time of the budget cut to adult programs in August 2009, the previous model was not completely developed and had been only partially implemented for a brief time at the Solano demonstration project. There is no evidence to indicate whether the pilot was successful before Corrections turned its attention to developing the new service delivery models. Despite the evidence that Corrections cites to support the new model being developed in response to the budget cuts, C-ROB members are concerned that the new model may prove ineffective because of the drastic reductions to programming scope, length, frequency, and staffing.

As is obvious from the evidence cited in this report, there are critical budget, data, and policy factors that could well override Corrections' best efforts to realize its objectives. C-ROB is committed to evaluating Corrections' progress within this broader context as well as the requirements set out by AB 900. It remains to be seen if the changes to rehabilitative programming will allow Corrections to achieve lasting reform that reduces recidivism and increases public safety. As Corrections moves to implement the new models, C-ROB has a number of concerns that it will monitor carefully through site visits to institutions and data analysis over the next 12 months. Listed below is a summary of the board's major concerns about the new service delivery models that can be found throughout the report.

### **C-ROB CONCERNS**

- In August 2009, Corrections temporarily suspended administering COMPAS (needs assessment instrument) at the male reception centers and plans to resume in March 2010. The board is concerned that, at a minimum, there will have been a six month hiatus in administering, which has the potential to affect Corrections' priority placement of inmates in the new service delivery model programming.

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- Because of budget constraints, Corrections has had to take a different approach to case management than originally planned. While Corrections has made some progress in developing the revised case management process, as of December 2009, there were no case plans in place. The board is concerned about the lack of case planning because it is one of the eight basic components of the California Logic Model.
- Teacher layoffs, increased class sizes, reduced time in class, administrative paperwork, and inmate homework are among the board's concerns with the new education models. The new education models are drastically different from the previous ones calling for fewer credentialed teachers and adding hundreds of teaching assistants. Theoretically, the new education models allow Corrections to maximize programming opportunities for inmates while staying within its budget. However, with little evidence-based research specific to education in prison, Corrections may have had inadequate guidance for curriculum, dosage, and staffing.
- At its meeting on February 3, 2010, board members expressed concern that the new education models may not adequately address the needs of inmates with learning disabilities and inmates who are English language learners. Although Corrections has indicated that there are programs available for these inmates, some teachers believe there are larger numbers of inmates with learning disabilities and who are English language learners than Corrections has documented. With the new education models, these students may not receive enough classroom attention or one-on-one time to make adequate progress.
- Under the new education models, teachers will be required to teach multiple models each week to large numbers of students who may have very different learning levels. Preparation time, in reality, may exceed the amount Corrections allocates.
- Teachers are now responsible for completing paperwork for the credit earnings under Senate Bill X3 18. This is an additional requirement on top of the increased preparation time and administrative workload resulting from the new education models. Corrections' plan calls for hiring teaching assistants (TAs) to assist with administrative tasks and oversee study hall. Board members are concerned about how effective the TAs will be and whether they will be able to relieve the teachers of enough administrative work so that the teachers will be able to focus on teaching.
- The board is concerned about the logistics behind the new models and the extent to which the right inmate can be placed in the right program at the right time. This concern includes how transitions will occur from one program to another. Corrections plans to use waitlists since adequate capacity may not exist as inmates progress from one level to the next. Corrections also has tasked each institution with planning for future program need by looking at the needs of the inmates on the waitlist. The board questions whether the capacity exists to determine future programming needs from the waitlists.
- Some of the new education models have extensive homework requirements. C-ROB is concerned that inmates are typically not self-motivated students. Homework could therefore become a commodity with inmates paying other inmates to complete the work for them.

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- Some teachers have raised the question of whether institutions can maintain Western Association of Schools and Colleges (WASC) accreditation for the new education models. WASC accreditation is important to the board because it conveys a standardized measure of accepted organizational capacity, curriculum, and service delivery and allows graduates to receive financial assistance from the federal government if they pursue higher education.
- The new substance abuse program model lasts only 90 days and will occur just prior to an inmate's release allowing the inmate to transition to a community-based aftercare program. According to Corrections, all of the feedback it received stated that gains would not be lost by shortening the in-prison component but success rates would be compromised if it shortened the community-based aftercare component. However, C-ROB is concerned that even with community-based aftercare, 90 days of substance abuse programming may be insufficient for adults with long histories of addiction.
- Currently, there is a four-month delay between the end of a reporting period and when Corrections can provide rehabilitative programming data to C-ROB. For education, although information exists on paper in an inmate's individual file, the existing data system does not capture information at the student level. The long-term solution is the Strategic Offender Management System (SOMS), which is being developed in phases, with the phase affecting Adult Programs unavailable until Spring 2012. Corrections is working on an interim data solution to provide individual level data. The board expects to receive information on how Corrections will implement an interim data solution and the timeline before the new programs are implemented. Without accurate and timely data, C-ROB cannot evaluate service delivery and program success.



## **BACKGROUND**

### **C-ROB AND ASSEMBLY BILL 900**

The California Rehabilitation Oversight Board was established by Assembly Bill (AB) 900, the Public Safety and Offender Rehabilitation Services Act of 2007.<sup>1</sup> C-ROB is a multidisciplinary public board with members from various state and local entities. Pursuant to Penal Code section 6141, C-ROB is mandated to examine and report on March 15 and September 15 to the Governor and the Legislature on rehabilitative programming provided by Corrections to the inmates and parolees under its supervision. The biannual C-ROB reports must minimally include findings on the effectiveness of treatment efforts, the rehabilitations needs of offenders, gaps in rehabilitation services, and levels of offender participation and success. The board is also required to make recommendations to the Governor and Legislature with respect to modification, additions, and eliminations of rehabilitation and treatment programs and, in doing its work, use the findings and recommendations published by the Expert Panel on Adult Offender and Recidivism Reduction Programs.

Assembly Bill 900 was enacted to address the serious problem of overcrowding in California's prisons and to improve rehabilitative outcomes among California's inmates and parolees. It gave Corrections the authority and funding to construct and renovate up to 40,000 state prison beds and funding for approximately 13,000 county jail beds. Assembly Bill 900 requires, however, that any new beds constructed must be associated with full rehabilitative programming.<sup>2</sup> Moreover, AB 900 provides funding in two phases: Phase I funding allowed for immediate bed expansion and requires Corrections to meet certain benchmarks, some of which are related to rehabilitative programming, before Corrections can obtain the second phase funding.<sup>3</sup> Specifically, AB 900, as set forth in Penal Code section 7021, states that phase II of the construction funding (as outlined in section 15819.41 of the Government Code) may not be released until a three-member panel, composed of the State Auditor, the Inspector General, and an appointee of the Judicial Council of California, verifies that all 13 benchmarks, which are outlined in paragraphs 1 to 13 of Penal Code section 7021, have been met.

There is an assumption by some that the board's mandate is to oversee the implementation of AB 900. However, this is not the case. The board is mandated to examine and report on rehabilitative programming and the implementation of an effective treatment model *throughout* Corrections, including programming provided to inmates and parolees, not just rehabilitation programming associated with the construction of new inmate beds.

In performing its duties, C-ROB is required by statute to use the work of the Expert Panel on Adult Offender and Recidivism Reduction Programs.<sup>4</sup> Corrections created the Expert Panel in response to authorization language placed in the Budget Act of 2006-07. The Legislature

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<sup>1</sup> Assembly Bill 900 (Solorio), Chapter 7, Statutes 2007.

<sup>2</sup> Government Code section 15819.40 (AB 900) mandates that "any new beds constructed pursuant to this section shall be supported by rehabilitative programming for inmates, including, but not limited to, education, vocational programs, substance abuse treatment programs, employment programs, and pre-release planning."

<sup>3</sup> Penal Code section 7021 (AB 900), paragraphs 1 to 13.

<sup>4</sup> Specifically, Penal Code section 6141 requires: "In performing its duties, the board shall use the work products developed for Corrections as a result of the provisions of the 2006 Budget Act, including Provision 18 of Item 5225-001-0001."

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directed Corrections to contract with correctional program experts to assess California's adult prison and parole programs designed to reduce recidivism.

In addition, Corrections asked the Expert Panel to provide it with recommendations for improving the programming in California's prison and parole system. The Expert Panel published a report in June 2007, entitled, *A Roadmap for Effective Offender Programming in California* (Expert Panel Report). Corrections adopted the recommendations of the Expert Panel Report, except for the recommendation and discussion on reducing the offender population. Inmate population reduction is before the Three Judge Court, which has demanded a plan from Corrections and is monitoring the implementation of it.

The Expert Panel Report stresses that the well established means of program provision called "Evidence-Based Programming" is essential to the success of these suggested programs. Briefly, evidence-based programming assumes that programs are appropriate to the needs of the offender, that the programs are well conceived, administered and staffed, and that they are continuously evaluated for effectiveness. Not all substance abuse programs, or work preparation programs are alike. Evidence-based programming allows agencies to select the most appropriate and potentially effective programs to meet the needs of offenders under their supervision.

The Expert Panel identified eight evidence-based principles and practices collectively called the California Logic Model. The California Logic Model shows what effective rehabilitation programming would look like if California implemented the Expert Panel's recommendations.<sup>5</sup> The California Logic Model provides the framework for effective rehabilitation programming as an offender moves through the state correctional system.

The eight basic components of the California Logic Model include:

**Assess high risk.** Target offenders who pose the highest risk to reoffend.

**Assess needs.** Identify offender's criminogenic needs/dynamic risk factors.

**Develop behavior management plans.** Utilize assessment results to develop an individualized case plan.

**Deliver programs.** Deliver cognitive behavioral programs, offering varying levels of duration and intensity.

**Measure progress.** Periodically evaluate progress, update treatment plans, measure treatment gains, and determine appropriateness for program completion.

**Prep for reentry.** Develop a formal reentry plan prior to program completion to ensure a continuum of care.

**Reintegrate.** Provide aftercare through collaboration with community providers.

**Follow up.** Track offenders and collect outcome data.

In May 2007, Governor Arnold Schwarzenegger created two strike teams to assist Corrections in implementing AB 900. The Facilities Strike Team focused on prison construction issues and the Rehabilitation Strike Team focused on developing and implementing prison and parole programs. The Rehabilitation Strike Team issued a final report in December 2007, entitled, *Meeting the Challenges of Rehabilitation in California's Prison and Parole System* (the Strike

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<sup>5</sup> A copy of the Expert Panel's California Logic Model is included as Appendix H.

Team Report). The report provides a four-pronged strategy for improving rehabilitative programs in the California correctional system:

- Develop an Offender Accountability and Rehabilitation Plan (OARP) designed to assess inmates' needs at intake and direct inmates to appropriate rehabilitation programs and services in prison and on parole;
- Identify rehabilitation-oriented training curriculum for correctional and rehabilitation staff, and a method of delivering that curriculum;
- Install a Prison to Employment Program designed to facilitate offenders' successful employment after release; and,
- Implement parole reform based on the structural possibility of earned discharge from parole or "banked" caseloads, and guided by a new risk assessment tool and a parole violation decision-making matrix.

Corrections has developed a comprehensive Master Work Plan for Rehabilitative Programming that details an exhaustive list of steps necessary for fully implementing the California Logic Model throughout the correctional system. The Master Work Plan provides Corrections with three tracks for implementing the California Logic Model.

The first track is aimed at improving utilization of existing programs. The second track established a demonstration project to implement the full scope of the California Logic Model using a selected inmate population in Northern California, as recommended by the Rehabilitation Strike Team. Corrections chose California State Prison, Solano as the site for the demonstration project. As noted in the October 2007 Rehabilitation Strike Team Report, at least one core program in each of the six major offender programming areas needed to be included in the demonstration project. These programming areas, which were defined in the Expert Panel Report, are:

- Academic, vocational, and financial;
- Alcohol and other drug;
- Aggression, hostility, anger, and violence;
- Criminal thinking, behaviors, and associations;
- Family, marital, and relationships; and
- Sex offending

The third track details how Corrections intends to roll out the California Logic Model statewide once it is implemented, tested, and re-tooled through the demonstration project. The three tracks are not sequential: there are tasks associated with each track that are being pursued simultaneously by Corrections.

### **PREPARING THIS REPORT**

The scope of this report is based primarily on information received up to the board's meeting on February 3, 2010. This report includes appendices that display various programming data. As Corrections begins to transition to the new programming models, C-ROB will use the data in this report as a baseline to compare against the rehabilitative progress Corrections makes under the new models.

## **THE EXPERT PANEL REPORT**

### **OVERARCHING RECOMMENDATIONS**

*“Reduce overcrowding in its prison facilities and parole offices.”*

*“Enact legislation to expand its system of positive reinforcements for offenders who successfully complete their rehabilitation program requirements, comply with institutional rules in prison, and fulfill their parole obligations in the community.”*

Both of these recommendations were partially addressed with the passage of Senate Bill (SB) X3 18, which took effect January 25, 2010. The Administration and Corrections have proposed to meet the \$1.2 billion current year budget reduction made by the Legislature through a number of population reduction tactics. The package is expected to reduce the average daily prison population by:

- Granting non-revocable parole to eligible inmates;
- Making credits now start post sentence and not at prison arrival;
- Granting up to 6 weeks of credit for completing programs;
- Updating property crime thresholds;
- Developing community corrections programs;
- Soliciting requests for proposals for 7 re-entry court sites; and
- Codifying the Parole Violation Decision Making Instrument.

These provisions are expected to reduce the prison population and also reduce the number of parolees a parole agent must supervise. The board will be asking Corrections to provide evidence related to the impact of SB X3 18 on the correctional population.

## **CALIFORNIA LOGIC MODEL IMPLEMENTATION PROGRESS**

Corrections' work for most of the reporting period was focused on revising its education, vocation, and substance abuse programming models to comply with the budget cuts. This concentrated effort resulted in reduced programming over the last six months as Corrections prepares to implement the new program models in May 2010. This section of the report describes the limited progress Corrections made during the reporting period in implementing the California Logic Model.

## Assess High Risk

Corrections continued to use the California Static Risk Assessment (CSRA) tool to assess an inmate's risk to reoffend. Data provided by Corrections indicates that 92% of inmates and 97% of parolees have a CSRA score.<sup>6</sup> There is now a CSRA electronic link available to prison and parole staff to assist with programming decisions based on the priority placement list for the models.

## Assess Needs

Over two years ago Corrections adopted the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) as the risk assessment tool to determine offender rehabilitation treatment programming needs. Last year Corrections completed a statewide rollout of COMPAS at all Reception Centers and implemented the COMPAS Reentry tool for parolees and the COMPAS Female instrument. In August 2009, after the riot at the California Institution for Men, Corrections temporarily suspended administering COMPAS at the male reception centers and plans to resume in March 2010. In its September 2009 biannual report, the board reported that Corrections has administered 49,219 Core COMPAS assessments.

Corrections is deploying laptops to the reception center correctional counselors so that the assessments can be entered when they are administered. This eliminates the redundancy of administering the assessment and then entering the information later on a computer in the office. Corrections expects to have the laptops in place at all the male reception centers in March and will then resume the assessments. The board is concerned that, at a minimum, there will have been a six month hiatus in administering COMPAS to inmates in reception centers, which has the potential to affect Corrections' priority placement of inmates in the new service delivery model programming.

## Develop a Case Plan

Because of budget constraints, Corrections has had to take a different approach to case management than originally planned. Most of the reductions in this area affected vacant positions that were budgeted as part of AB 900. While Corrections is still developing the revised case management process, it will include:

- a new assignment process with priority placements (risk, need, time left to serve), the CSRA link described above, Test for Adult Basic Education (TABE) scores, and the inmates' classification levels to make program placements; and
- reviewing progress and reassessing inmates at an annual review.

Training on the new assignment process was completed in January 2010. As of December 2009, there were no case plans in place.

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<sup>6</sup> An inmate may not have a CSRA score for a variety of reasons: county law enforcement data may have errors; the criminal investigation and identification (CII) number is inaccurate; or the time lag in data transfer prevented Corrections from having the CII at the time the inmate is at the Reception Center (RC).

## **Deliver Programs**

Corrections staff was forced to abandon most of the program development it had spent the better part of two years planning and developing. Currently, the institutions are in the process of developing their interim and final implementation plans for the five new education models. On December 18, 2009, Corrections suspended intake into the existing education and certain vocational programs in order to minimize the disruption to students when the new models are implemented. As described above, training for the new assignment process was completed in January 2010 and when program assignment resumes, those inmates who were previously in programs will get priority assignment in the new programs. Full implementation of the new academic models is planned for May 2010.

Vocational programs have been reduced to those that are industry certified, market driven, and can be completed within 12 months. Market driven is defined as over 2,000 entry level jobs annually and a starting pay rate of at least \$15 per hour. The 11 programs that are being discontinued have been suspended permanently. Corrections has temporarily suspended intake for the remaining 15 vocational programs until the new capacity levels are reached (total vocational program capacity has been reduced from 9,300 slots to 4,800 slots) Please refer to page 15 for a list of the vocational programs retained and cut.

The new substance abuse program contracts became effective in January 2010 with full implementation scheduled for March 2010. At the Solano demonstration project, the contracts for the anger management (CALM) and criminal thinking (Thinking for A Change) programs expired in September 2009. Corrections expects to issue an *invitation for bid* in Summer 2010 for Solano. Corrections also is in the process of implementing the lifer mentor certification program for substance abuse at Solano and at Valley State Prison for Women. Lifers are being certified as alcohol and drug counselors to assist fellow inmates with recovery.

## **Measure Progress**

When the revised case management process is in place, Corrections will review progress by reassessing inmates at their annual reviews. As of January 2010, individual learning gains, GEDs, vocational certificates, and other program completions are being tracked for program milestone credits under SB X3 18. C-ROB is concerned that the reporting times for educational programs are slow in coming to the board and encourages Corrections to speed up the delivery of program participation data and outcomes so that C-ROB has accurate and timely data upon which to evaluate program success. Recognizing that there are difficulties with Corrections' long term data system implementation, it would seem in the short term that the use of laptops for data collection, such as are being deployed for the needs assessment process deserve consideration..

## **Prep for Reentry/Reintegration**

The transitions program pilot, funded with federal Workforce Investment Act (WIA) dollars, began at Folsom in January 2010. Corrections plans to expand the program to RJ Donovan, Valley State Prison, and Solano in July 2010.

Corrections was also allocated \$8.3 million in WIA funds for community based one-stop career centers that will provide unemployment services to parolees. The interagency agreement through the Employment Development Department is in place, and Corrections will begin to refer parolees in the near future.



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Corrections is authorized to construct, establish, and operate secure reentry program facilities throughout the state that will house up to 6,000 inmates within one year of being released from custody and which must be approved through the State Public Works Board process. There are 11 counties that have entered into agreements with Corrections to site eight secure facilities, two of which will be regional.

### Follow-Up

Corrections' Fidelity Unit is establishing assessment tools to monitor and track implementation of the new models. Key performance indicators will be available for the new models by May 2010 to coincide with full implementation. The four key areas are enrollment and assignment; utilization and attendance; completion; and recidivism. This is the first time that Corrections will attempt to tie program participation to recidivism. These changes necessitate revisions to the Education Monthly Reports. Currently the data system does not capture information at the student level. The long-term solution is the Strategic Offender Management System (SOMS), which is being developed in phases, and the phase affecting Adult Programs will not be available until Spring 2012. Corrections is working on an interim data solution to provide individual level data.

The Solano demonstration project fidelity review reports of CALM and Thinking for A Change, as well as a snapshot of who attended both programs based on risk (CSRA) scores and COMPAS criminogenic needs, will be available for the board by the end of March. According to Corrections, these reports will be critical for quality improvement and lessons learned from the Solano as the Office of Substance Abuse Treatment implements the new 90-day substance abuse programs. Thinking for A Change is the cognitive behavioral curriculum addressing *criminal thinking* within the new 90-day model.

## SUMMARY OF BUDGET CUTS TO ADULT PROGRAMMING

### BUDGET CUTS

The \$1.2 billion budget reduction, which included a \$250 million cut to Adult Programs, came with specific guidelines as part of the Budget Act:

- prioritize the preservation of rehabilitative programs based on evidence that they are effective in reducing recidivism;
- prioritize the elimination of vacancies;
- maximize the use of federal or other funds;
- achieve savings through more efficient operation;
- maximize the number of offenders who have access to programs;
- prioritize program placement based on risk, need, and time left to serve. The latter adheres to the California Logic Model target population: moderate-to-high risk to reoffend, 7-36 months to serve, and a moderate-to-high criminogenic need in that program area. According to the latest data provided by Corrections, there are 36,714 inmates who are now in the target population.

Corrections used the guidelines to make the \$250 million reduction by adult program area:

Education	30% reduction
Office of Substance Abuse and Treatment Services	40% reduction

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Assessments  
Headquarters

40% reduction  
63% reduction

For current year, Adult Programs takes a \$100 million budget cut with the remainder of the reduction coming from the Female Offender Program and Services and the Division of Adult Parole Operations. The total dollar reduction for Adult Programs in fiscal year 2010/2011 is projected to be \$200 million with the remaining \$50 million cut to come from the Division of Adult Parole Services and the Female Offender Program and Services.

### **TARGET POPULATIONS FOR NEW PROGRAMMING MODELS**

To stay within the revised current year budget, meet the Budget Act reduction guidelines, and maintain the principles of the California Logic Model, Corrections' staff have developed five new education models, reduced the number of vocational programs, redesigned the in-prison substance abuse programs, and eliminated approximately 800 teaching positions.

The target populations for the revised programming models have changed while remaining consistent with the California Logic Model target population. Priority placement within each program requires a moderate-to-high risk to reoffend.

- For education programs, an inmate also must have a Test for Adult Basic Education (TABE) score indicating a need for an education assignment or be without a GED and have 12-48 months left to serve. Lifers must be within 24 months of a parole suitability hearing.
- Priority enrollment in vocational programs requires a high school diploma/GED and 12-48 months left to serve. Lifers must be within 24 months of a parole suitability hearing.
- Substance abuse treatment programs require a moderate-to-high need on COMPAS or the Addiction Severity Index and 5-6 months left to serve. Lifers must be within 5-12 months of a parole suitability hearing.

Inmates who do not meet the target criteria would be lowest on the priority lists and depending on capacity could be assigned to programming.

### **CAPACITY FOR NEW PROGRAMMING MODELS**

Among the enormous challenges faced by Corrections' staff was how to reduce programming costs while maximizing the number of inmates who have access to programs. By changing program duration, Corrections believes that the estimated total capacity reduction will be 20% from 77,600 down to 62,800. For example, the current education model meets for 6.5 hours a day, five times a week. One of the new education models meets three hours a day, once a week, which allows for two sessions during the day. Inmates can attend education programming for part of the day and participate in work assignments during the other part. The current substance abuse program allows inmates to remain anywhere from six to 36 months. The new model is only 90 days and will be provided just before an inmate is paroled, which Corrections believes will provide for a smooth transition to community-based aftercare. By focusing on maintaining programming for as many inmates as possible, Corrections indicates the reduction in capacity is not proportionate to the reduction in spending.



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In the community substance abuse programs, Corrections was unable to reduce the program duration and maintain its effectiveness. Instead, Corrections plans to maintain the capacity for which this component has traditionally been funded: 50% of the inmates leaving an in-prison substance abuse program will be able to enter community after care.

The annual capacity breakdown by program is listed below. The capacity is the number of inmates who can be served in each program area.

<b>Adult Rehabilitative Programs</b>	<b>Baseline Capacity</b>	<b>New Model Capacity</b>
Academic Education	47,900	44,600
Vocational Education	9,300	4,800
In-Prison Substance Abuse	12,200	8,500
Community Substance Abuse	8,200	4,900

## **THE NEW REHABILITATIVE PROGRAMMING MODELS**

### **EDUCATION**

Corrections conducted a review of educational and research documents on best practices to develop the new models for correctional education. The research is summarized in a document Corrections provided to C-ROB and is included in this report as Appendix I.

Corrections has developed five education models to stay within its budget and maximize program availability to as many inmates as possible. In addition to these models, according to Corrections, institutions with high school diploma programs will be allowed to retain them. The human cost to the new models is the hundreds of teachers who have lost their jobs. The practical question is whether the new models are enough to ultimately contribute to a reduction in recidivism.

Unlike the other five areas of inmate needs identified by the Expert Panel, there is little evidence-based research specific to education in prison and therefore little guidance for curriculum, dosage, and staffing for prison education programs. In creating the new education models Corrections used adult education best practices and those evidence-based elements that do exist. There is evidence that shows that a minimum amount of programming must exist for employment outcomes to be different between an inmate who participates in educational programs and one who does not. Outcomes are also better when program participation is not interrupted for any length of time.<sup>7</sup> Under the new models these principles will be tested because some inmates will only receive minimum classroom time of three hours per week.

In the previous education models, teachers were responsible for an average of 36 inmate students who attended class 6.5 hours a day, five days a week. As the chart below indicates, under the new models teachers will be responsible for anywhere between 84 and 195 student inmates. Time in class varies by model and ranges from three hours a week up to 15 hours a week depending on assessment levels. According to documentation Corrections provided to C-ROB

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<sup>7</sup> "Prison-Based Adult Basic Education (ABE) and Post Release Labor Market Outcomes" by Rosa Cho and John Tyler (2008)

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and included in this report as Appendix I, under the new education models the total number of students a teacher provides instruction to per week increases, which closely aligns with California adult schools. However, for each class session taught the number of students receiving instruction is lower than in the previous education models. When the students are not directly in the classroom with the teacher, they are in close proximity in a study hall that is supervised by a teaching assistant (TA). During these study hall sessions, the student may receive one-on-one tutoring and individual assistance from a designated inmate tutor who will assist with reading.

Teachers are now responsible for completing paperwork for the credit earnings under SBX3 18 and fear that this additional requirement on top of the already magnified paperwork resulting from increased numbers of students will greatly diminish their face-to-face time with students. Corrections' plan calls for hiring TAs to oversee study hall activities and assist with administrative work, but some teachers are openly skeptical about how quickly the TAs will be able to master the administrative tasks and whether there is space available for study hall. Some teachers have described the tracking systems currently used as very finicky and taking years to master. Board members are concerned about how effective the TAs will be and whether the TAs will be able to relieve the teachers of enough administrative work so that the teachers will be able to focus on teaching.

### New Education Models

Model #	Educational Program	Total Inmates in Program	Total Inmates in Class at Once	Inmate Class Hours/ Week	TAs	Inmate Tutors
1	Literacy	195	39	6	1	26
2	ABE I, II & III	135	27	6	2	Optional
3	ABE I, II & GED	162	27	ABE-15 GED-3	2	Optional
4A	GED-Independent Study (voluntary)	120	12	3	1/2	Optional
4B	GED-Independent Study (assigned)	120	12	3	1/2	Optional
5i	ABE I, II & GED	84-108	6-12	3 or 4.5	1/2	Optional
5ii	ABE I, II & GED	84-108	6-12	3 or 4.5	1/2	Optional

Corrections also used evidence-based principles in its plan for program placement criteria: placing the right inmate, in the right program, at the right time. The new education models place inmates with 12-48 months remaining on their sentences in specific programs based on the inmate's Test for Adult Basic Education (TABE) score. The amount of classroom time an inmate will have depends on the inmate's current TABE score. For instance, an inmate who can read and write at an 11<sup>th</sup> grade level may only have three classroom hours a week, while an inmate who reads and writes at a 4<sup>th</sup> grade level may have 12 classroom hours per week. Inmates will be given homework to complete when they are not in the classroom, and the homework is a required part of earning completion credits under SBX3 18.

The board is concerned about the logistics behind the new models and the extent to which the right inmate will be placed in the right program at the right time. At its meeting on February 3, 2010, board members questioned Corrections' staff on how transitions from one program to another will work.

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Corrections explained that waitlists will be used since capacity may not be enough to allow students to move to the next level without waiting for a seat to open. The models give each institution the task of planning for future specific program need by looking at the needs of the inmates on the waitlist. The board wonders whether the capacity exists to determine future programming needs from the waitlists.

This task becomes even more daunting given that inmate data exists on paper in that inmate's individual file. The Strategic Offender Management System is currently being implemented with the component specifically related to Adult Programs not available until Spring 2012. In the meanwhile, Corrections' staff is working on an interim solution that would make data available with a one-month lag beginning in May 2010. Corrections needs to clarify whether this is a one-month lag between the end of the reporting period and the time Corrections can provide the data to C-ROB or a one-month lag between the end of the reporting period and the time the data is available to Corrections headquarters. Program completion data is especially important on an individual level now that inmates have the ability to earn up to six weeks credit for completing specified rehabilitative programs. Corrections staff has been working to determine if the interim data solution is supportable. If it is not, the board expects to receive information on how Corrections will implement an interim data solution and the timeline before the new programs are implemented.

A September 2009 report by the Bureau of State Audits (BSA) found that Corrections could not provide information about the length of time inmates were on a waiting list for a program, whether inmates were paroled before getting into the program for which they were waiting, whether inmates were denied access to programs, whether inmates are assigned to the programs their assessments indicate they should attend, and the length of time inmates are in programs. BSA also reported that under the current system "Corrections also stated that correctional education is unable to demonstrate improvements in reading scores." Without inmate data, the BSA found "Corrections cannot ensure that the inmates currently assigned to literacy programs are the ones in need of such programs." C-ROB members reiterate again that an interim data solution regarding participation and program outcomes must exist before the new models are implemented.

That being said, the board acknowledges that Corrections made very difficult but necessary changes to try and ensure that program capacity stays as high as possible. Research shows that success on parole is often tied to employment and an education makes obtaining employment more likely.<sup>8</sup> If Corrections made no structural changes related to the budget cut, educational capacity would have been reduced by 60%. With recidivism rates at 67%<sup>9</sup> in California, it could easily be argued that the previous educational and vocational models were not working.

In a February 2008 report, the Legislative Analyst's Office (LAO) found that spending money to expand the capacity of education programs could be a poor expenditure because there is little evidence that Corrections would be putting that money into effective programs. The LAO recommended Corrections structurally fix its education programs before expanding them. Whether Corrections has accomplished this with the new models remains to be seen.

At the C-ROB meeting on February 3, 2010, teachers expressed many concerns about why the new models will not work in a correctional setting. Teacher layoffs, increased class size, reduced

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<sup>8</sup> "From Classroom to the Community" by the Urban Institute at John Jay College (2009)

<sup>9</sup> As reported by Corrections Office of Research.

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time in class, administrative paperwork, and inmate homework are among the biggest concerns. The board shares these concerns. Teachers fear that generally inmates are not self-motivated students and homework could become a commodity like anything else in prison with inmates paying other inmates to complete the work for them. Teachers were doubtful on whether homework could be done in a prison setting especially in a place like a woman's prison where eight women are housed together. They also worry that inmates will be targeted and attacked by other inmates for doing homework.

With the new earned credits from program completions, the teachers are also concerned that inmates will intentionally fail their initial TABE and when they are retested and promoted to a new class, they will receive the time credit without actually having received an educational gain. Teachers also think that there are more inmates with learning disabilities and who are English language learners than Corrections believes. Teachers voiced that these students will not be receiving enough classroom attention or one-on-one time to advance in the programs and will essentially stall at the lowest programming level. Teachers also expressed their concerns about the amount of class preparation time needed to teach multiple models to a large number of students with different learning levels each week.

Some teachers expressed concern that the new educational models will not be approved by the Western Association of Schools and Colleges (WASC). If a school does not have WASC accreditation its graduates cannot receive financial assistance from the federal government if they pursue higher education. The WASC constitution states that, "Its purpose is to promote the welfare, interests, and development of elementary, secondary, and higher education." Corrections explained that it worked with WASC and took their guidelines under consideration when creating the new models. Corrections believes the new models will pass the WASC accreditation process. Maintaining WASC accreditation is important to the board because it conveys a standardized measure of accepted organizational capacity, curriculum, and service delivery.

The teachers agreed that implementing a half-day educational model was a positive step. The half-day model allows inmates to attend educational classes for half of the day and participate in other rehabilitative programs such as substance abuse treatment and/or work during the other half. Receiving wages from a job may deter inmates from performing illegal activities for money. In the previous full day model receiving an education meant an inmate could not work. Some teachers believe that being in a classroom for only a half day also allows the inmates to concentrate for the entire time they are in the classroom.

The teachers closed their presentation to the board by making recommendations on how to keep quality in the classroom:

- Move to a 184-day school year with tracks (currently 220 days).
- Save experienced correctional teachers by not hiring 335 teacher's assistants.
- Implement a 1:54 model with more face-to-face and instructional time.

### **SUBSTANCE ABUSE PROGRAM**

For substance abuse programming (SAP) to be effective with the inmate population, studies have shown that inmates best success rates occur when they complete in-prison followed by

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community-based aftercare services. A three-year recidivism study<sup>10</sup> found that over 36 months, a reduction in recidivism exists for inmates who completed an in-prison therapeutic community (TC) SAP program followed by an aftercare program. Inmates who only completed the in-prison TC SAP program showed a lower recidivism rate over 12 and 24 month spans but those gains disappeared at the 36 month mark. Therefore, it appears that the way to achieve long-term recidivism reduction is to deliver the in-prison TC SAP and community-based aftercare. Corrections developed its new SAP model in cooperation with its consortium of treatment provider representatives and the UC San Diego Center for Criminality & Addiction Research, Training & Application. The biggest change with the new model is the length of the in-prison treatment component. Formerly the program duration was 6-36 months, and Corrections struggled to define completion for data purposes. The new model lasts only 90 days and will occur just prior to an inmate's release allowing the inmate to transition to a community-based aftercare program. According to Corrections, all of the feedback it received stated that gains would not be lost by shortening the in-prison component but success rates would be compromised if it shortened the community-based aftercare component.

For the male inmates, the new model is aimed at moderate-to-high risk offenders and includes a cognitive behavioral therapy treatment (CBT) design within a modified TC. Corrections recognizes that female offenders' pathways into crime and their addiction issues are gender specific. The female trauma informed substance abuse treatment program that was piloted at Leo Chesney beginning last year will be expanded to the other three institutions for women. At Leo Chesney, the treatment program duration will continue to be six months; however, Corrections will implement a 90-day model at the other women's institutions.

The new SAP model will serve 8,500 inmates per year and 4,900 parolees in community-based aftercare. The in-prison model will be available at nine male and four female institutions. The new substance abuse program contracts include increased measures for accountability. Providers will be required to regularly report on utilization and must prepare individualized plans for participants within 10 days of program entrance and transition plans as participants exit. Corrections has developed completion definitions required for earning credits and will implement accountability reviews that allow Corrections' staff to evaluate performance measures.

### **VOCATIONAL PROGRAMS**

Corrections eliminated many of its longstanding vocational training programs in response to the budget cut. Vocational programs that were retained had to meet three criteria.: they had to be industry certified, market driven, and completed within 12 months. Market driven is defined as over 2,000 entry level jobs annually and a starting pay rate of at least \$15 per hour. Below is Corrections' list of those programs retained and cut.

#### **Programs Retained**

Auto Body  
Auto Mechanics  
Building Maintenance  
Carpentry  
Cosmetology

#### **Programs Cut**

Drywall  
Eyewear  
Graphic Arts  
Household Repair  
Janitorial

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<sup>10</sup> "3-Year Reincarceration Outcomes for Amity In-Prison Therapeutic Community and Aftercare in California" by Harry Wexler (1999) in The Prison Journal Vol. 99 p. 321-336

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Electronics  
Electrical Works  
HVAC  
Machine Shop Practical  
Masonry  
OSRT  
Plumbing  
Sheet Metal  
Small Engine Repair  
Welding

Landscape  
Machine Shop Auto  
Mill & Cabinet  
Office Machine Repair  
Painting  
Roofing

## **FIDELITY**

Since AB 900, Corrections had made a good deal of progress assuring the fidelity of the programs offered to inmates. For the previous models, Corrections was in the process of implementing its fidelity and operational toolkit, and the Office of Program, Policy, Development and Fidelity had conducted site visits to reception centers, held COMPAS, CALM and T4C focus groups, and created guidelines for secondary assessments. Corrections was also finalizing key performance indicators (KPIs), conducting program evaluations using the Correctional Program Checklist, and developing performance indicators for the California Logic Model.

The Fidelity Unit is currently establishing assessment tools to monitor and track implementation of new models. Key Performance Indicators have been established and will be available for the new educational models by May 2010 when the new models are slated to be fully operational. These KPIs are enrollment/assignment, utilization/attendance, completion, and recidivism. The timeframes to assess the new KPIs will vary by program. Along with the changes to the specific programs also come changes to the fidelity plan and operations. Under the new substance abuse program contracts, a performance accountability review will be used to evaluate performance measures.

The reduction of rehabilitative programs may have a positive effect on fidelity by enabling Corrections to direct its scarce resources to fewer programs to ensure that they are implemented properly, staff is adequately trained, materials are proper, and the desired outcomes of the specific program are being achieved.

## **CONCLUSION**

It is the responsibility of C-ROB to report to the executive and legislative branches on the implementation of the California Logic Model as called for in AB 900. The recent budget cut to inmate programming may well mean that the hoped for reduction in recidivism will not be achieved any time soon. Without some reduction in the parole return rate it seems likely that California will be unable to get control of the inmate population crisis. While the Board understands the budget situation, it remains committed to the improvement of inmate rehabilitative programming and again cautions both the Governor and the Legislature that the drastic reductions in programming funds may well imperil the important work of finally improving rehabilitation and reducing recidivism.

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As the board stated at the conclusion of its September 15, 2009 report, improving public safety by transforming the state's correctional system into a sustainable and effective rehabilitation-based model will require substantial investment and many years of committed leadership and political will. Maintaining the political will in the face of the budget crisis may well be the biggest challenge to lasting reform.